

A message was received from the House, informing the Senate that the House had passed the following bills, originating in the Senate:

A bill supplementary to an act to encourage the construction of railroads in Texas by donations of land;

A bill to relinquish to the inhabitants of Ysleta, in El Paso county, a certain tract of land adjoining the town tract now held and owned by said inhabitants; and

A bill creating the county of Johnson.

Also, that the House concur in the amendment of the Senate to a bill incorporating the Columbia, Austin, Wharton and Colorado Valley Railroad company.

Mr. Guinn, from the committee on Engrossed Bills, reported as correctly engrossed:

A bill concerning surveys of land in Mercer's Colony; and

A bill for the relief of A. J. Walker.

Mr. Armstrong called up a bill to authorise claims of the Texas Association, commonly known as Mercer's Colony, to be judicially investigated and settled; which, on motion of Mr. Paschal, was made the special order for half past 3 o'clock to-morrow.

Mr. Potter, by leave, introduced a joint resolution, proposing an amendment of the Constitution; read first time.

On motion of Mr. Taylor, the Senate adjourned until 9 o'clock to-morrow morning.

SATURDAY, January 28, 1854.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a joint resolution proposing an amendment to the Constitution, reported a substitute therefor and recommended its adoption.

Mr. Sublett, chairman on the part of the Senate of the joint committee on Enrolled Bills, reported the following bills correctly enrolled, and that they were this day submitted to the Governor for his approval:

A bill supplemental to an act to encourage the construction of railroads in Texas by donations of land, originating in the Senate;

Also, a bill authorising and requiring the Commissioner of the General Land Office to issue a patent to the assignees of James O. Rice, for lot No. 4, in block 98, in the city of Austin, originating in the House of Representatives.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill to amend an act to incorporate the Vicksburg and El Paso Railroad company, passed 16th February, 1852;

A bill to provide for the investigation of land titles in certain counties therein mentioned;

A bill for the relief of William Dunlap;

A bill to confirm the patent issued by the Commissioner of the General Land Office to Levi Jones and Edward Hall, &c.;

A bill to confirm certain titles to land and to patent locations in the original colonies of McGloin & McMullen and of Power and Hewitson;

A bill to make a further appropriation for the erection of a fire-proof Treasury Department and Comptroller's Office of the State of Texas;

And a bill making provision for running and marking the boundary line between the State of Texas and the territory of the United States of America.

Mr. Kyle, from the committee on Private Land Claims, to whom was referred a bill for the relief of Dorathy Benton, reported a substitute therefor and recommended its adoption.

Mr. Kyle, from said committee, to whom was referred a bill authorising and requiring the Adjutant General, to issue a certificate for 2,560 acres of land to the heirs of J. C. Logan, deceased, reported the same back for the consideration of the Senate.

Mr. Kyle, from said committee, to whom was referred a bill for the relief of the heirs of Thomas Scott, deceased, reported the same back to the Senate and recommended its passage.

Mr. Jowers introduced a bill for the relief of Daniel Parker, Jr.; read first time.

Mr. Pedigo introduced a bill to incorporate the Terraqueous transportation company; read first time, and on motion of Mr. Pedigo, rule suspended, read second time and referred to the committee on Internal Improvements.

Mr. Potter introduced a bill to change the time of holding the several annual sessions of the Supreme court; read first time, and on motion of Mr. Sublett, the rule was suspended, bill read second time and referred to the committee on the Judiciary.

Mr. Potter introduced a bill supplementary to an act to encourage the construction of railroads in Texas by donations of land, passed at the present session of the Legislature; read first time.

On motion of Mr. Potter, the rule was suspended, bill read second time, and on motion of Mr. Taylor, made the order of the day for Monday the 30th inst., at 11 o'clock.

Mr. Sublett introduced a bill to incorporate the Austin Female Collegiate Institute; read first time, and on motion of Mr. Sublett, the rule was suspended, bill read second time and referred to the committee on Education.

Mr. Taylor offered the following resolution:

Resolved, That no new business shall be entertained from and after Monday next, except by the concurrence of two-thirds of the Senate.

On motion of Mr. Scott, the rule was suspended, and resolution adopted.

Mr. Weatherford introduced a bill for the relief of Mooney Weatherford; read first time, and on motion of Mr. Weatherford, the rule was suspended, bill read second time and referred to the committee on Private Land Claims.

Mr. McDade introduced a bill for the relief of James L. Dallas; read first time, and on motion of Mr. McDade, rule suspended, bill read second time and referred to the committee on Private Land Claims.

ORDERS OF THE DAY.

On motion of Mr. Bryan, a bill supplementary to an act to provide for the assessment and collection of taxes, approved February 11th, 1850, together with the report of the committee on Finance, offering amendments thereto, proposing to strike out 9, 10 and 11 sections, was taken up, read, and amendments rejected by the following vote:

YEAS—Messrs. Allen, Holland, Millican, Paschal, Pedigo, Potter, Superviele, Taylor, Weatherford and Whitaker—10.

NAYS—Messrs. Armstrong, Bryan, Burks, Durst, Gage, Guinn, Hill, Jowers, Kyle, Lott, Martin, McAnelly, McDade, Newman, Scarborough, Scott and Sublett—17.

On motion of Mr. Keenan, the 9th section was amended, by striking out "ten" and inserting "twenty."

Mr. Potter moved to amend the 9th section by striking out the following words: "for which duty such officer shall be authorised to charge each delinquent a fee of — cents; lost by the following vote:

YEAS—Messrs. Allen, Bryan, Holland, Kyle, Millican, Pedigo, Potter, Superviele, Taylor, Weatherford and Whitaker—11.

NAYS—Messrs. Armstrong, Burks, Durst, Gage, Guinn, Hill, Jowers, Keenan, Lott, Martin, McAnelly, McDade, Newman, Paschal, Scott and Sublett—16.

Mr. Guinn moved to fill the blank in 9th and 10th sections with "fifty;" carried by the following vote:

YEAS—Messrs. Armstrong, Bryan, Durst, Gage, Guinn, Hill, Jowers, Keenan, Lott, Martin, McAnelly, McDade, Newman, Paschal, Scott, and Sublett—16.

NAYS—Messrs. Burks, Holland, Kyle, Millican, Pedigo, Potter, Superviele, Taylor, Weatherford and Whitaker—11.

Mr. Taylor offered the following amendment: "And that this act take effect from and after its passage." Adopted.

Mr. Taylor offered the following amendment:

"Provided; That the assessors of the several counties shall receive but three-fourths of the amounts now allowed by law for assessing and collecting the taxes, and no more, any law to the contrary notwithstanding."

Rejected by the following vote:

YEAS—Messrs. Allen, Kyle, Millican, Newman, Pedigo, Superviele, Taylor, Weatherford and Whitaker—9.

NAYS—Messrs. Armstrong, Bryan, Burks, Durst, Gage, Guinn, Hill, Holland, Jowers, Keenan, Lott, Martin, McAnelly, McDade, Paschal, Potter and Scott—17.

Mr. Kyle offered the following amendment:

"Provided, That if said assessor should fail to be in attendance at the place appointed, he shall not issue a second notice, but be required to visit the house of the respective tax payers as under the old law, on failing to do so shall pay fifty cents to said tax payers."

Mr. Jowers moved to amend the amendment by striking out all after "law;" carried by the following vote:

YEAS—Messrs. Bryan, Burks, Gage, Guinn, Hill, Jowers, Keenan, Lott, Martin, McDade, Newman, Paschal, Pedigo, Scott and Superviele—15.

NAYS—Messrs. Allen, Armstrong, Durst, Holland, Kyle, McAnelly, Millican, Potter, Taylor, Weatherford and Whitaker—11.

On motion of Mr. Guinn, the amendment was laid on the table.

Mr. Potter moved to strike out the 9th and 10th sections of the bill; rejected by the following vote:

YEAS—Messrs. Allen, Armstrong, Holland, Kyle, Millican, Paschal, Pedigo, Potter, Superviele, Taylor, Weatherford and Whitaker—12.

NAYS—Messrs. Bryan, Burks, Durst, Gage, Guinn, Hill, Jowers, Keenan, Lott, Martin, McAnelly, McDade, Newman and Scott—14.

The bill was ordered to be engrossed.

Mr. Bryan moved to suspend the rule that the bill might be read a third time; lost.

Mr. Allen, from the committee on Internal Improvements, made the following report:

COMMITTEE-ROOM, January 28, 1854.

Hon. D. C. DICKSON:

A majority of the committee on Internal Improvements, to which was referred the bill entitled an act to authorise the Atlantic and Pacific Railroad company to construct a railroad in Texas under certain restrictions, have had the same under consideration, and in connection with it have endeavored to ascertain whether any further legislation is necessary, or would be useful in carrying into effect the great measure which it has been the pleasing duty of the Legislature to adopt for the advancement of the substantial and permanent interest of the State.

The act to provide for the construction of the Mississippi and Pacific Railroad seeks, as a leading feature of the plan provided by it, to secure the speedy and ultimate completion of the work; and to that end, among other things, assumes that the object can be best attained by inviting the whole world to become bidders for the bonus offered to the company that shall complete the road according to its provisions and requirements.

The company, or individuals becoming the "contractors" under the law, with their associate stock-holders, are declared to be a body politic and corporate, with a capital of \$20,000,000, divided into shares of one hundred dollars each, and to be governed by a board of fifteen directors. This corporation is within sixty days after the making of the contract with the Govern-

or required to deposit at least \$300,000 with the State of Texas, as security for the completion of fifty miles of the road within 18 months from the time of making the contract.

In the opinion of a majority of your committee a corporation must be organized agreeably to and with the provisions of this act before any of the powers contained in the act can be legally exercised, and that it was the intention of the Legislature to put this [great work on such a footing as to secure to the public all the safe-guards which could surround corporate bodies connected with the power of the government over them. Corporations having a present existing organization may become contractors for the work; but no legal act can be done by a corporation which may become the contractor, until it has changed its organization and made it conform strictly to the provisions of this act. It is a universal principle of law, that corporations, being creatures of the Legislature, possess no powers not specially granted, and can exercise no powers not contained in the grant, or which are not necessary to carry the granted powers into effect; and when a corporation is created and accepts of the charter, the transaction becomes a contract between the corporation and the Government, according to the strict terms of the grant, which neither party is at liberty to violate. These well established principles are of universal application, and show that if a corporation, not organized according to this law of Texas, and not possessing the powers conferred by this bill, becomes the successful bidder for the contract, which the Governor is permitted to make for the State, it must surrender its pre-existing organization and incorporate itself anew by taking the steps required in the Texas act.

The invitation of the State is to all the world; and certainly all persons who shall come among us, drawn hither by our invitation, are entitled to our respectful consideration until the contract is awarded. They ought to be regarded in the light of guests of the State; and a majority of your committee believe that it is the true policy of the State to extend to them all the aid in its power, to enable them to comply with the law so long as our acts do not conflict with it.

The Atlantic and Pacific Railroad company is already a corporation, created by a sister State expressly for the purpose of constructing a railroad from the Mississippi Valley to the Pacific Ocean, as is shown by its act of incorporation. It is believed by your committee that when the charter was granted, it was not known what route would be adopted by it, although the Texas route was preferred, and at the moment of the granting of its

charter it had its agents in Texas exploring a portion of the lines not then certainly known to be practicable. It has all along been the steady and unwavering friend of Texas, and has really been mainly if not quite the only party beyond the boundaries of the State that hat met and combatted the enemies of this route, and by its activity drawn public attention to this great subject.

Since this bill was introduced authentic information has been furnished to your committee, that the three hundred thousand dollars required by the bill to be deposited is now ready and only awaiting the action of Texas to be transferred to the Treasury of this State.

It is also shown, that confidently relying on the cheerful co-operation of Texas, the company has thrown forward beyond the Rio Grande a company of engineers under the direction of a former citizen of Texas, the Hon. A. B. Gray, to make an instrumental survey of that portion of the line in time, if possible, to meet the opposition of Col. Benton, and to defeat his efforts to secure for another and a hostile line the aid and countenance of the General Government.

All these efforts, really, in behalf of Texas, have been attended with great expense and exertion, and in the opinion of your committee entitle this company to the good wishes of the citizens of the State; and such vigor, promptitude and ability, furnish, in the opinion of your committee, the most satisfactory refutation of the various charges against the company, which have from time to time reached us from the North.

The company now ask this Legislature to expedite the construction of the road, and to relieve the company from unnecessary trouble, expense and embarrassment by recognizing their existing organization, provided the Governor shall make the contract for the building of the road with them.

The reasons which have induced the company to make this application to the Legislature are briefly stated in a paper furnished to your committee by the President of the company, which is hereto appended as a part of this report.

These reasons have convinced your committee of the propriety of enacting the described law. The work contemplated by the company is vast and important, beyond any parallel in the annals of the past. Its benefits to the American continent are incalculable; and Texas alone and beyond all the rest must receive the vivifying impulse of this great artery of American life. She is emphatically the centre of this great circulating system,

and upon her devolves the pleasing duty of calling it into full vigor and being. If she leaves one thing undone which may be necessary to an early, and speedy, and successful prosecution of the enterprise, she must be responsible to her injured citizens and to the world for the neglect; and it may be that this single act may be the means of securing these lasting benefits to the State, and of silencing from the opposition which this route has hitherto encountered.

Your committee, therefore, in reporting the bill back to the Senate, earnestly recommend its passage.

Respectfully submitted.

M. W. ALLEN,

One of the Committee.

On motion of Mr. Paschal, the rule was suspended, and report and bill made the order for Monday the 30th inst. at 3 o'clock P. M.

On motion of Mr. Holland, the Senate adjourned until half-past 3 o'clock, P. M.

HALF-PAST THREE O'CLOCK, P. M.

Senate met—roll called—quorum present.

A message was received from the House, informing the Senate that the House had passed the following bills originating in the Senate:

A bill to incorporate the Jefferson Railroad company, with amendments; and

A bill supplementary to an act to secure to the German Emigration company and their colonists the lands to which they are entitled, and adjust the liabilities of said company, approved January 21st, 1850; and

A bill to define the fourth judicial district of Texas, and to prescribe the time of holding courts therein, with amendments.

A bill for the relief of Haden H. Edwards; read second time and ordered to be engrossed.

On motion of Mr. Gage, rule suspended, bill read third time and passed.

On motion of Mr. Taylor, the Senate concurred in the amendments of the House to a bill to incorporate the Jefferson Railroad company, by the following vote:

YEAS—Messrs. Bryan, Burks, Doane, Gage, Guinn, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McDade, Millican, Newman, Paschal, Potter, Scott, Superviele, Taylor, Weatherford and Whitaker—22.

NAYS—Messrs. Allen and McAnelly—2.

Mr. Scott moved to reconsider the vote refusing to engross a bill to authorise the Auditor and Comptroller to audit the claims comprised in document "C," as reported by the Auditorial Board on the 12th Nov., 1851.

On motion of Mr. Kyle, motion to reconsider laid on the table by the following vote:

YEAS—Messrs. Allen, Bryan, Doane, Hill, Keenan, Kyle, Lott, McAnelly, McDade, Millican, Paschal, Potter and Superviele—13.

NAYS—Messrs. Armstrong, Burks, Gage, Guinn, Jowers, Martin, Newman, Scott, Sublett, Taylor, Weatherford and Whitaker—12.

The Senate concurred in the amendment of the House to a bill supplementary to an act entitled an act to secure to the German Emigration company and their colonists the lands to which they are entitled, and to adjust the liabilities of said company, approved January 21st, 1850; also the amendment of the House to a bill to define the fourth judicial district and prescribe the time of holding courts therein.

Mr. Paschal, chairman of the Select committee, to whom was referred a bill to procure from Mexico the original archives, land titles, orders, decrees and other documents and laws relating to lands in Texas, and a substitute offered by Mr. Bryan, reported back to the Senate a substitute for the bill and substitute, and recommended its adoption.

On motion of Mr. Paschal, rule suspended, and substitute adopted.

Mr. Bryan moved to fill the first blank in the bill with "eight," lost by the following vote:

YEAS—Messrs. Bryan, Hill, Paschal, Potter, Scarborough, Sublett and Superviele—7.

NAYS—Messrs. Allen, Armstrong, Burks, Gage, Guinn, Holland, Jowers, Kyle, Martin, McAnelly, McDade, Millican, Newman, Scott, Taylor, Weatherford and Whitaker—17.

Mr. Potter moved to lay the bill on the table; lost.

Mr. Burks moved the indefinite postponement of the bill.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bills correctly engrossed:

Bill supplementary to an act to provide for the assessment and collection of taxes, approved February 11th, 1850;

Bill to incorporate the Austin City Life and General Insurance company;

Bill to incorporate the Texas iron, steel and copper manufacturing, mining and trading company ; and

A bill supplemental to an act for ceding jurisdiction of certain lands in this State for public purposes, approved 19th December, 1849.

Mr. Bryan from the committee on Enrolled Bills, reported the following bills correctly enrolled, and that they were this day submitted to the Governor for his approval :

A bill to provide for the issuance of bounty and donation land warrants to persons entitled to the same ;

And a bill to incorporate the Columbia, Wharton and Austin Railroad company.

On motion, the Senate adjourned until 9 o'clock Monday morning.

MONDAY, January 30, 1854.

Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of Saturday read and adopted.

Mr. Scott from the committee on Private Land Claims made the following report :

The committee on Private Land Claims to whom was referred a bill for the relief of James L. Dallas, have had the same under consideration, and find from the evidence, that he was entitled to 320 acres of land, as a settler of the 3d class, as a single man, which he has applied for and received, and after receiving said three hundred and twenty acres and before the 1st of January, 1842, he married, which entitled him to an augmentation of 320 acres, which he has not received, but asks the legislature to grant to him by passing this bill, which a majority of the committee respectfully recommend.

Mr. Gage, chairman of the committee on State Affairs, to whom was referred the petition of John Hagerty, reported a bill for his relief and recommended its passage.

A bill for the relief of Capt. John Hagerty ; read first time.

Mr. Taylor, from the committee on Claims and Accounts, to whom was referred the petition of Jose Casiano, reported the same back and recommended that it lie on the table, as the evi-